

Claim 10 of this patent states that instead of the tissue being held "said substance may be a drug, food or drink". Therefore, it follows that foods (nutrients) do have an electromagnetic field that can generate a therapeutic effect and effect muscle strength.

More proof from prior art as to the effect of topically held nutrients positively effecting muscle strength is seen in U.S. Patent no. 5,579,783 (December 3, 1996), "O ring test and apparatus for measuring muscle strength " and also U.S. patent no. 5,913,813 (September 27, 1996), " O ring method and apparatus for the human body".

In both these patents Naoi et al teach us that an apparatus can measure this O ring muscle test. In Fig. 13A and 13B of these patents it shows a characteristic positive O ring result where ginseng (a nutrient) is placed topically in the opposite hand being tested causing the muscle strength to increase in the other hand. Hence the electromagnetic field of ginseng topically placed in one hand causes the muscles in the other hand to become stronger.

Naio et al describe the O ring test in these patents " It is well known in the medical diagnostic techniques to employ a bi-digital O-ring test...see, for example US Patent no. 5,188,107".(previously cited)

"In this O-ring test the subject forms an O ring shape with one hand placing the thumb against any one of the fingers and forcing them together. The examiner attempts to pull apart the O ring shape by pulling from both sides. The strength of the fingers opposing the examiner is then determined." The electromagnetic field of a substance held in the opposite hand then effects the outcome of the test.

According to MPEP 716.07 (Inoperability of references)"Since every patent is presumed to be valid (35 U.S.C. 282), and that presumption includes the presumption of operability, the examiner should not express any opinion on the operability of a patent."

The theory behind the patents cited requires that an electromagnetic field emitted by a substance(medicine ,food, tissue) held topically in one hand to cause the muscles to become stronger in the other hand if that substance is compatible with the body. This is the state of the art at the time the application was filed.

This is also the theory of this application. As stated in the application, "all nutrients have the ability to effect reflex zones and cause this increased muscle strength." Paraphrasing, all nutrients have the potential to be compatible with the body and result in this increased muscle strength

In summary, there is in the arts a preponderance of evidence with due consideration to the persuasiveness of my argument. I have presented a reasonable correlation of the mechanism of the electromagnetic fields of the foods (nutrients) placed in one hand effecting the strength of muscle testing in the opposite hand as described in prior art and the electromagnetic fields produced by nutrients in the nutrient holding device increasing muscle strength as described in my application.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward L. Blendermann".

Edward L. Blendermann